

*An Account of the Fair and Impartial Proceedings of the
Lords Proprietors, Governour and Council of the Colony of
South Carolina, in Answer to the Untrue Suggestions,
contained in the Petition of Jos. Boon and others, and of
a Paper Intituled,*

The Case of the Church of England in Carolina.

1663. **H**IS Late Majesty King Charles II. did by his Letters Patents, grant unto Edward Late Earl of Clarendon and others, the several Tracts of Land in the Petition mentioned, to be holden of the Crown of *England*, as of the Manour of *East Greenwich*.

And in the said Charter there is contained a Clause, that the said Lords Proprietors may Ordain and Enact Laws concerning the Publick State of the Province, or the Private Utility of particular Persons, with the Advice, Assent, and Approbation of the Free-Men of the Province, or the greatest part of them, or their Delegates or Deputies, *Provided the said Laws are consonant to Reason, and as near as conveniently may be agreeable to the Laws and Customs of England.* And in the said Charter, Power is given to the said Lords Proprietors, *to give and grant such Indulgences and Dispensations, to all who in their Judgment and Conscience cannot conform to the Liturgy and Ceremonies, required by the Act of Uniformity, as the said Patentees shall think fit.*

Ever since the passing of the said Charter, the Lords Proprietors have Governed the said Colony, with all possible Justice and Equity, and have always allowed and indulged the Subjects of the said Colony, free *Toleration* and *Indulgence* in Matters of Religion, and have never passed any Law to abridge the free Exercise thereof, or debar any Person from any Place or Office of Profit, upon the score of Conscience. And have always recommended to the Assembly or Parliament of that place, the Passing of such Laws as have been received in *England*, and are to be found in the Statutes of this Kingdom.

The said Lords Proprietors, for the more equal Government of the said Colony did in the Year 1669, recommend to the said Assembly, or Parliament, *several Fundamental Constitutions*; but the Assembly not approving thereof, the same were never passed into a Law, neither is the said Colony Governed by four Estates, mentioned in the said Petition, but by a Palatine and Lords Proprietors, who have the Supreme Power, under the Queen, and by the Council, called the Upper House, and by a House of Commons representing the Form of Government in *England*.

As by the Laws of *England* the Qualifications of Members of both Houses of Parliament are restrained and Settled so to enable any Free-holder to sit and Vote in the Lower House of the Assembly or Parliament of *Carolina*, some Qualifications are required: And some Acts have been passed to appoint the number of Members of the House of Commons, to regulate Elections and the Abilities of Electors, and 'tis particularly required, that Members of Parliament, shall be Members of the Church of *England*; tho' in other Parts of the Government there, no distinction is made upon the account of difference in Opinion, and 'twill not be thought unreasonable, that the Government should be secured in the Hands of Church-men, if it be considered what Attempts were made to get the Government into the hands of Dissenters: And if in the Preamble or Recital of the said Act, the Constitution of the *English* Parliament should be mistaken, this cannot be interpreted to any Design of infringing the Liberties of the Colony, since the Indulgence claimed by the Charter is no other than such as shall be agreeable to the Minds of the Lords Proprietors, who are to grant the same at Discretion.

The Province is of a large extent, and till the late Act for *Erecting Churches*, there was but one Church in the Province, viz. at *Charles-Town*, tho' the greatest number of the Inhabitants are Church Men; and when the Assembly or Parliament thought fit, that the Members of the Lower House should be Church men, 'twas impracticable to appoint a Sacramental Test, because the Inhabitants had not Churches to communicate in, and many Persons would scruple to Communicate at the time of the Assembly's sitting in *Charles Town*, for want of timely preparing themselves, for worthy Communicating therefore the Test of Affection to the Establishment of the Church is appointed to be by an Oath of Conformity. See the Act and the Preamble.

† The Petitioners do very truly observe, that by the equality of Administration of the said Government, the Inhabitants of the said Colony, lived in perfect Peace, and the number of the Inhabitants and Trade of the said Colony, daily increased to the great Improvement of her Majesties Customs, and the manifest Advantage of the Merchants and Manufacture of this Kingdom.

* The said Lord Proprietors are not apprised of any Irregularities committed in the Elections for Members to serve in the Lower House of the said Assembly or Parliament; neither do they Authorize or allow any of their Governours or Deputies, to Interest themselves in the said Elections. And if any partiality or Injustice is used in sending Members to the said Assembly, such offences are always Examined and determined by the lower House there, who are left to a free and Impartial Examination touching Elections in like manner, as the House of Commons are in England.

The Lords Proprietors have always managed the Ecclesiastical Government of the said Province, by the Advice, and with the approbation of the Lord Bishop of London, who has constantly taken the best care he could (at so great a distance) in the placing and displacing of the Ministers in the said Province as of other the Plantations and Colonys of America, but for want of a Suffragan or Commissary to govern the Clergy of those parts, and to correct the misbehaviour of wicked Persons, diverse corrupt and Scandalous Ministers, have at several times settled themselves in those Parts, to the great decay of Religion, and infamy to the Protestant cause.

His late Majesty King William, being minded to Encourage the progress of Religion, and having for that purpose granted unto a Society of several Bishops, Lords and Gentlemen, a Charter for Propagation of Christian Knowledge in Foreign parts. The said Colony, did upon the Application and Encouragement of some persons (who were zealously concerned to promote that charitable undertaking) immediately resolve to shew a commendable zeal and good will to concur in so blessed a work; and tho' the said Colony, is not as yet able to make a compleat and absolute provision for the maintenance of the Clergy, which are wanting to instruct the People, yet they were willing to use their best endeavours, to Encourage sober and pious Men to settle among them, hoping the said New-incorporated Society would assist the pious endeavours of the said Colony, in which hopes the said Colony has not been disappointed, for the said Society has very generously and charitably assisted and furnished Missionaries for the said Colony, which Missionaries have, and will meet with all due Encouragement to the Ability of the said Colony. And in order to Accomplish the said good designs; the Governour at the opening of the last Parliament there, made a speech, exhorting them to build some Churches for the Worship of God, and maintenance of his Ministers, upon which, the Lower House addressed the said Governour, and shewed their inclination to pass an Act for the said purposes, if they might be assured that the Clergy to be received into such Churches, might be under some regulation, and not suffered to live disorderly, as some others had done before, upon assurance of which, the said Commons, (tho' great opposition was made to the same,) immediately resolved to erect six Churches and parsonage Houses, and to set out glebes and passed *An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the*

† The Government continued in perfect Peace and Tranquillity, till one Ash and some few others set up a Project to make themselves a third State of *Cassiques* and *Laudgraves*, by endeavouring to fill up eighteen Blank Patents, (which had been Signed by the Palatines Court) with the Names of Dissenters: This opened the Eyes of the Churchmen to perceive that the Dissenters were aiming to get the sole Government of the Colony into their Hands; which Design was therefore prevented by the Lords Proprietors. The full account of this Matter was laid before the said Lords, who are ready to produce the Papers and Proofs relating to that Matter, and they think themselves not worthy of blame, if when the Dissenters set up for the sole Government, they use all prudent Precautions to keep them out of the Legislature. And the said Ash, further to accomplish his said End, brought into the Lower House, a Bill to exclude from that House, all French Protestants, Justices of the Peace, Parsons and Merchants; and because he could not carry the said Bill, he and his Party departed from the said Assembly, by means whereof a sufficient number (required by an Act of that Colony) was not

left to dispatch the Publick business, which afterwards occasioned a great Riot and Tumult. The Petitioner in the Printed Case would insinuate that the Dissenters had contributed to the maintenance of the Church, 'Tis true, there are several People of that Latitude of Principle, who go either to Church or Meetings, and contribute to the Maintenance of both sorts of Ministers, but these fixing themselves to no one Communion cannot be denominated of either, and 'tis as true that Governour Blake went constantly to Meetings; but when a Church was Established in *Charles Town*, he always fix'd to the Church, and forsook the Meetings: And this is a great Argument of the equal Temper of the Lords Proprietors, that they make choice of their Governours, even from among the Dissenters.

* Complaints of this nature have been made, and the said Lord Proprietors have by them several Papers and Memorials relating to the same, and the said complaints are utterly groundless and founded in Calumny, tho' if the same were true; the Lords Proprietors think themselves not answerable for the faults of every Sheriff of a County.

Erecting of Churches for the publick worship of God, and also for the maintenance of Ministers, and the Building of convenient Houses for them. In which said Law, provision is made for the Establishing the Worship, Rites and Ceremonies of the Church, according to the use of the Church of *England*, * without intrenching upon the Liberty of Conscience, which has been always indulged to Dissenters of all sorts, and without diminishing any Ecclesiastical Authority hitherto exercised in the said Colony; neither does the said Act contain, or Enact any Exorbitant Power, to the injury or oppression of the people in General, neither does it grieve or disturb the Members of the Church of *England* in particular: But the said Act is not yet Ratified, and the Lords Proprietors have Executed an Instrument to Repeal the same, which said Revocation is not yet sent to *Carolina*, so that the Lords Proprietors have it still in their power, either to Ratify or disannul the said Act, as shall be thought most for the Interest of the Church, but 'tis to be feared, if the said Instrument of Revocation should be sent into *Carolina*, no Churches or Parsonage Houses can be built, unless the People shall have the good nature to Enact another Law, which perhaps may be clogged with some unreasonable clause, by the persons who oppose the Encouragement of the Church in those parts.

There is a custom in the *American Plantations* (too well known) that the Ministers of Churches are removable at the will of the People, and 'tis very common at the Vestrys, to propose a Question, which is determined by a Majority of Voices; *shall we hire our Minister for another Year?* by which means their maintenance is precarious, and the poor men are mobbed out of their Livings.

To Remedy which Evil, and that the Ministers to be settled in the new Erected Churches in *Carolina*, may be under some Government and Regulation, till a Bishop or Commissary can reside among them, to take the care and inspection of their behaviour (and to Consecrate Churches, confirm, and do other Episcopal Acts) a certain number of persons (known to be well affected to the Church of *England*) are appointed to hear the complaints of the People; And that the said Ministers may not be vexed with frivolous complaints. It is provided.

1. Nine persons must make the complaint.
2. Such nine persons must be all Members of the Church of *England*.
3. The Majority of the Vestry must concur with the Nine, and must likewise be Members of the Church of *England*.
4. To pass any censure, the Majority of the Commissioners must agree, and must all be of the Church of *England*.

So that by this Act, it is not only difficult, but almost impossible to censure any Minister by virtue of the Power therein contained, and no person can ever feel the severity of it but such as behave themselves so, as to incur the censure of so great a * number as the Majority of Twenty Members of their own Communion: And least so great a Number should fail in their duty. The Governour, Sir, *Nath. Johnson* (a person of unblamable Life, and of known Integrity to the Church of *England*) may by virtue of the last Clause in the Act, controul any unjust Sentence of the said Commissioners, so that in Effect the whole Legislature must concur to deprive, or remove any Minister.

The Government of the said Province, would have been very much wanting to themselves, if (when they have settled (considering their circumstance) so liberal a

*The Lords Proprietors never heard of any just complaint against the equity of the said Law, but the same is acceptable to all Christians; and not offensive to the Dissenters, who are all well pleased with it, only a few wicked Persons (who are moved with Envy at that so reasonable a Settlement of the Church) do shelter themselves under the borrowed Name of the People of the Province, and what they could not prevent by noise and clamor, they endeavour to effect by Calumny and pretended Love to the Church.

† The want of a Bishop or an Ecclesiastical Governour, is a very sensible inconvenience in those parts; as may be testified by the account of the Behaviour of Mr *Edward Marston*, in *Charles Town*; who makes it his Business to foment continual Quarrels, and discords, Disperse Libels, and raise Slanders; His Behaviour there is so Intolerable and Unchristian, that his Pulpit is the usual place of railery and in his publick Sermons, he makes no conscience of abusing Persons, and calling Nicknames, and he spares not to utter his insolent Language there, against

the Governour, Council, and even the Assembly, and when called before the Assembly, to give an account of his rude Speeches in the Pulpit, he affronted them to their Faces, a true account whereof may be seen in the several Letters and Memorials that have been laid before the Lord Bishop of *London* and the Lords Proprietors of that Colony.

† And tho' a number of Persons are appointed to hear the complaint of the Church People, yet the Governour and Council declared that they were willing the said Clause should be repealed, whenever an Ecclesiastical Governour should be appointed to take Care of the Province which they still offer to do.

† The Petitioners pretend in their printed case, to charge these Commissioners with several Crimes; which Accusations are utterly false and groundless, and can be made to appear so, if they be allowed to make their defence. And if any of them were in debt in *England* before they settled and got Estates in the Plantations, this will be no Impeachment of their Integrity.

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maintenance on their Ministers.) they should not be able to keep their Ministers within the bounds of their duty, tho' the said government is very willing (and the Lords Proprietors will heartily concur) to allow of an Ecclesiastical Government to be exercised within the said Colony, as soon as a Bishop or Commissary shall be appointed to preside over the Clergy.

For want of an Ecclesiastical Governour to preside in the *English Colonies*; the Ministers there, are under no restraint, and particularly in the Colony of *South Carolina*, † *Mr. Marston* the Minister of *Charles Town* (upon which place, the Assembly has settled a provision worth 250 *l.* per Ann.) has behaved himself with that *Imprudence and Haughtiness* as is insupportable to any Government; and when called to an Account by the Assembly or Parliament, for his rude Speeches, and Unchristian behaviour, he carried himself with that rudeness and ill Manners, as would not be endured by the meanest Court in *England*.

The said Lords Proprietors cannot but take notice of the extraordinary zeal of the Petitioner *Boone*, in Printing and Publishing the *Case of the Church of England in Carolina*, whereas the said *Boone* is known to be a Dissenter, and a great Opposer of the Establishment of the Church in those parts, and whatever real kindness he may pretend for the Church, 'tis well known, he designs no kindness to her; but endeavours to shelter his bad designs under the shew of kindness, for no Establishment of the Church or Ministry in those parts can be acceptable to him.

* The Character and Integrity of *Sir Nathaniel Johnson* is too well understood to be blemished by the sly and Black Insinuations of the Petitioner *Boone* for his Government has always been just and equal as became the Character of an upright Gentleman, and tho' it be suggested that the Act now complained of, was obtained by surprize and indirect Practices, the Lords Proprietors desire that the manner of passing the same, may be enquired into, for as they would not be guilty of any unfair procedure in passing Laws, neither will they countenance any foul Practices in their Governour or Deputies.

† Tho' *Mr. Marston* has behaved himself with that Insolence, as to deserve no favour from the Government, yet they have always shewed themselves inclinable to do him justice. And tho' *Mr. Boone* a Dissenter, full of zeal for the Church and Churchmen has in his Printed case inserted an abuse upon *Mr. Marston*, the case was thus. *Mr. Rhet* and *Mr. Marston* happened to Quarrel and after warm words, fell to fighting; where in *Mr. Marston* excelled and banged his Adversary, yet nevertheless, he complained to the Governour and Council, who convened *Mr. Rhet* before them, and upon Examination, found that *Mr. Rhet* gave the first foul Language, whereupon the Governour and Council asked *Mr. Marston* what satisfaction he required, who reply'd that *Mr. Rhet* ought to make a publick acknowledgement of the affront which he did make accordingly, before the Governour and Council, they then asked *Mr. Marston* if he desired any further satisfaction, and he told them he did not.

* The Petitioner in their Printed Case, would insinuate *Sir Nathaniel Johnson*, was a Person disaffected to the late Government; whereas the Truth of his Case is this. *Sir Nathaniel Johnson* was appointed Governour of the *Leeward Islands* by *King Charles II.* but before he was possessed of the same, *King Charles* died, and the said Government was confirmed to him by *King James*; during whose Reign, the said *Sir Nathaniel* behaved himself to the satisfaction of all Persons under his Administration, and upon notice of the Revolution, Proclaimed their late Majesties Titles, and took all necessary Care for the safety of the Islands. But the Inhabitants of *Nevis* fancying the said Governour to be a Disaffected Person; met in Council and Assembly, and declared him no Governour, and Elected the late *Col. Codrington*

in his stead, and wrote to the other Islands to joyn with them, which they refused to do. The *French* had actually began Hostilities upon *St. Christophers*, which gave the said Governour a fair opportunity of being Disloyal to their late Majesties, if he had so inclined, but he perswaded the Inhabitants of *Antigua* to comply with those at *Nevis*, and to accept of *Col. Codrington* and not to divide and Quarrel among themselves when an Enemy was at their Door, which they did with great relucancy, and to give the better Countenance to the Authority of *Col. Codrington* (which was then only established by the People) he gave the said *Col.* a Commission to be Lieutenant General of the Islands. On *Sir Nath's* leaving his Government, the Island of *Antigua* furnished him a Vessel, and all Necessaries at their own expence, and sent home Letters, wherein they express themselves very Honourably of him. *Sir Nath's* Eldest Son, did by his Fathers Directions, soon after the Revolution, enter himself on Board their late Majesties Fleet, and continued there till his Death, which was ten Years, and died Commander of a Man of War. *Sir Nath's* Lady and Family in their return to *England*, were taken Prisoners by the *French*, and continued to a whole Year, and his Lady died with the severity and hardship of her Imprisonment, which could never have happened, if *Sir Nath* had been esteemed to be in the Interest of *K. James*.

After *Sir Nath* retired from his Government, he went and dwelt upon a Plantation of his own, and lived privately; till he was a few Years since, desired to take the Administration of Government in the present Colony, where he has behaved himself to the general satisfaction of all Persons, both Churchmen and Dissenters, except a very few Persons of Rascals and Turbulent Spirits.

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